

AGENDA SESSION
JUNE 7, 2011
3:00 P.M.

Chairman Ladd called the Agenda Session to order with Councilpersons Scott, Berz, Benson, Murphy, Gilbert, Robinson and Rico present. Councilman McGary joined the meeting later. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included, Dan Johnson, Daisy Madison, Larry Zehnder, Beverly Johnson, Jerry Stewart, Gary Hilbert, Bryan Shults, Paul Page, Chief Parker, Randy Ray, David Johnson, Jim Templeton, Chief Dodd, Richard Beeland, Chief Kennedy, Karen Rennich, Capt. Snyder, and Lt. Carroll. Dennis Malone, Officer Haskins, and Officer Collins joined the meeting later.

Mr. Johnson proceeded with tonight's agenda, beginning with **Ordinance (a)**, providing for the Interim Budget for the months of July, August and September of 2011. He noted that Ms. Madison had explained this. Councilman Benson stated that he thought it was very important to get this "off the deck". Councilman Murphy questioned going to the end of September, stating that we needed to get to work and do the job. Mr. Johnson explained that we can't get the job done by June 30th—that this just allows us to continue the Budget through September.

Ordinances (b), (c) and d) were all abandonments that passed first reading last week.

Ordinances (e), (f), and (g) are annexation ordinances. Councilwoman Scott requested that perhaps Chairman Ladd could announce at tonight's meeting that this is not a brand new thing; that some think we are starting from "square one". Chairman Ladd indicated that she planned to do this. Councilman Gilbert stated that the group that were coming tonight understood this, but this group did not know that we were settling out of court and wanted to voice an opinion.

Ordinances—First Reading are three abandonments that will be discussed in Public Works Committee.

Resolution (a) authorizes an Agreement with TWH Architects for architectural services for the design and construction administration of a new employee health center. Councilwoman Scott explained that she planned to abstain on this; that she did not feel there was any conflict of interest for her nor her husband—that this was part of the overall program, but she wanted to alleviate any concept of a conflict of interest and therefore, she would abstain.

Resolution (b) regards a Southeast Tennessee Area Agency on Aging and Disability for the Eastgate Senior Activity Center program Grant in the amount of \$40,000 and was discussed last week.

Resolution © extends the agreement with Brightbridge for the administration of the EPA Brownfield Revolving Loan Fund for a one year term.

Resolutions (d) and (e) will be discussed in Public Works Committee.

Resolutions (f) and (g) relate to the Dept. of Neighborhood Services and Community Development and HOMEAgain Program funds.

Resolution (h) will be discussed in Public Works' committee.

Resolution (i) supports the application of Middle Tennessee State University to HUD to provide the City with support in technical assistance in promoting healthy homes initiatives. Ms. Johnson explained that this was a request by MTSU for us to participate with them in a program; that they were actually going to apply to HUD for a \$1 million dollar grant that will be shared with Chattanooga, Knoxville and Jackson, TN in regards to paint abatement. No funding is required on our part other than what we are already providing—that this program will make sure that homes are healthy, and MTSU will provide technical assistance in this lead paint abatement endeavor. They will manage this and will assist with abatement.

Councilwoman Robinson stated that this was great and questioned if this would be available to UTC, as well? Ms. Johnson explained that she did not know why MTSU was doing this; that they had implemented this program before and had partnered with CNE but now wanted to partner with the City for a wider span of services. She stated that she would ask if it were available to UTC. Councilwoman Robinson stated that it might be something UTC could do but just did not know about it.

Resolutions (j) and (k) are Public Works' related.

AGENDA ITEMS FOR JUNE 14TH

Ordinance 6(a) amends the Code and Zoning Ordinance concerning Design Guidelines within the C-7 North Shore Commercial/Mixed Use Zone. This will be discussed in Legal and Legislative Committee.

Ordinances (b), (c), and (d) are zoning issues.

Councilwoman Scott asked about the Special Presentation next week "Report for Plan of Services for Area 1B". Attorney McMahan explained that we had to assess our progress under State guidelines and show what is being done by various departments; that generally it is a written report, but this will be handled as a notification of report through a Special Presentation. Councilwoman Scott confirmed that this was an update. Attorney McMahan added that this is the first and all the rest will follow.

Resolution (a) authorizes an amendment to the Agreement for Payments in Lieu of Ad Valorem Taxes . Attorney McMahan explained that the PILOT would be changed because of a separation of a slip of land relative to Amazon which is being given to EPB for a substation—this strip of land will be taken out of the PILOT. Councilwoman Scott asked since it was being taken out of the PILOT if the tax abatement goes to EPB? Attorney McMahan explained that EPB pays taxes in lieu also.

Resolution (b) is a Public Works' issue.

Resolution © authorizes a loan agreement from EPA Revolving Loan Fund to Wise Properties for the environmental cleanup of 201 Cherokee Blvd. in an amount not to exceed \$70,000. Councilman Benson asked if this was John Wise, with Mr. Johnson stating he did not know who it was. It was confirmed that it was John Wise.

Resolution (d) authorizes an agreement with Griggs & Maloney, Inc. for groundwater sampling, monitoring and reporting services at the Summit Landfill, City Landfill on Birchwood Pike, and the Farmers Market site for an amount not to exceed \$91,297.50. Attorney McMahan noted that this was not really the Farmers Market site; that it is the Chattanooga Gas Co. site—that the back part will be used for parking—that this will be corrected before next week. It was confirmed that this will be an impound lot.

Resolution (e) authorizes an agreement with Maycreate, LLC for web design services to create a new database for a total project fee of \$128,000. Mr. Keil was not present. Councilwoman Scott wanted to know what this was? Mr. Johnson explained that it is for the website that we had been working on for the last year and negotiating services with Maycreate; that it is design services for our web page—that they are Web Site Engineers. Councilwoman Scott stated that this was good, and she supported it but would like for the Council to have some input as to how this will function; that she would like this to be used by residents, as well as being designed for city use; that she would like for the Council to have some representation. It was noted that Randy Burns has attended a few of the meetings. Councilwoman Scott asked if she could attend meetings as well? Mr. Johnson noted that the City Council will have a front page, also. Councilwoman Scott stated that she was not concerned about a City Council web page; that her feeling was that a lot of residents would like to be able to access this, also. Mr. Johnson assured her that Maycreate would like to get her ideas.

Chief Parker added that this was supposed to be more user friendly and easy to navigate; that this had also been discussed with Chief Dodd and would be more user friendly. Chief Dodd added that every department wanted to update their page, and we had burdened Mark Keil with this.

Councilwoman Scott agreed that it was important that it serve all departments, but it should also serve the public. Mr. Johnson responded that the business of the City will be on the website, with Chief Dodd adding that it is for the public.

Councilman McGary stated that a presentation concerning this made to the Council would be very informative to him. Chairman Ladd asked if Mark Keil could make a presentation next week? Mr. Johnson reminded everyone that this is just in the preliminary stage. Councilman McGary stated that he would still like to know what is planned, and it would be helpful to get a periodic update. Chairman Ladd stated that a presentation would be made next week.

Resolution (f) is a Special Exceptions Permit.

Mr. Johnson proceeded to go over purchases. The first was for the Fire Department and the purchase of IFSTA manuals from Fire Protection Publications in the amount of \$20,484.96. The next was for Parks and Recreation for the purchase of one top dresser from Greenville Turf & Tractor in the amount of \$11,132.50. The third purchase was for the Police Dept. for the emergency purchase of meth lab cleanup from Marion Environmental, Inc. in the amount of \$14,224.54.

Councilwoman Scott asked that someone on the Meth Task Force speak to this third purchase—that she thought this was a County function, and she wanted to know the City-County relation. Officer Carroll explained that it was a State function, handled through a Federal COPS Grant; that on February 27th, we ran out of money and was given a list to pay out of our own pocket, which was the Narcotics Fund; that we would be receiving funding on July 1st of \$1 million dollars from the Federal government—that this would be the last one until July 1st. Councilwoman Scott wanted to know if we went on private property? Lt. Carroll responded that we go wherever there is a meth lab. She asked if someone was renting the house where the meth lab was located, would the owner be arrested and would the owner have to clean up this house? Lt. Carroll explained that we would seal the whole house.

Chief Dodd explained that eventually the dry wall, carpets and all appliances would have to be replaced; that we go on the scene, and it costs \$2500 for our clean-up; that if we store any of this, we have to have a storage facility and are hit with fines; that the Federal Government had been paying for this through a Grant, and we heard four to five days ago that the Federal Government was cutting funding; that now the State is saying that as of July 1st, they will accept the responsibility of all clean ups. Councilwoman Scott confirmed that we were just taking the materials, and the homeowner would have to deal with cleaning up the property.

Councilman Benson asked about restitution? Chief Dodd explained that it was useless to sue someone on meth for restitution because they had nothing, and we would get nothing.

Beverly Johnson explained that a lot of times her office got code violations, and they could not do anything because the meth house had not been cleaned; that sometimes they used demolition, but the site would have to be cleaned.

Chief Dodd noted that some landlords don't do the cleaning and just put folks back in.

Councilman Benson wanted to know if we got any money and where did it go? Chief Dodd stated that this had never happened, but if it did, it would go back to the State.

Councilwoman Scott wanted to know if this was Attorney McMahan's assessment of meth labs? Attorney McMahan responded that without researching this, he would say "yes"—that as far as renters are concerned, we can't go against the landlord. Chief Dodd added that if we did not allow them to rent the property again, they would be penalized twice. Councilwoman Scott said that she had such a situation in her district—that the house had blown up, and it had been sitting there before being cleaned up. She asked if we had the right to say that they can't return to the house in this condition? Attorney McMahan responded "yes"—that it was posted. Chief Dodd again noted that they would have to take out all of the drywall. Councilwoman Scott asked what would be the case if this happened before the law was passed? Chief Dodd noted that the law had been in effect for 8-10 years.

The next purchase was for Parks and Recreation and two field finishers with Greenville Tractor in the amount of \$22,056.58. The last purchase was also for Parks and Recreation for the emergency purchase of repair to Summit of Softball with Dillard Construction, Inc. in the amount of \$45,060.00 and will be brought to the meeting tonight. Councilwoman Scott asked if this was covered by insurance? Mr. Johnson responded "yes"—with a \$25,000 deductible—that FEMA would pick some of this up. Ms. Madison confirmed that FEMA would share in the cost of the deductible, and we would pay 12.5% of the \$25,000 deductible.

There was one appointment to the Stormwater Board—Carol Sodemann with a term expiring in 2015.

At this point, Councilman Rico noted that we were nine people over the limit and in violation of the Fire Code and would have to move to the Assembly Room.

The meeting adjourned at 3:30 P.M.